

1           A     As I recall, I had had one phone conversation with  
2 representatives of Trinity. It could have been George  
3 Sebastian or someone else in, in his office about, about this  
4 time.

5           Q     And what was that phone conversation about?

6           A     As I recall, they were trying to -- Trinity was  
7 trying to get, get some, some leasing information or some  
8 pricing information and they asked for some documentation.  
9 And either I provided that or I instructed David Gardner to  
10 provide it, but I think we provided whatever the request was.  
11 So as I recall, that's the extent of my direct conversations  
12 with representatives at Trinity.

13          Q     Now, TBF Exhibit 229, the message indicates that  
14 Trinity is requesting Raystay to give a price for the low-  
15 power facilities. Is that, is that your understanding of that  
16 message when you received it?

17          A     When I -- Whether I received this or the  
18 information, I, I knew that they were awaiting information on  
19 leasing fees and a package price for our LPTV construction  
20 permits.

21          Q     Well, was it just the permits, or was it also the  
22 TV-40?

23          A     It was -- It included TV-40, as well as the  
24 construction permits.

25          Q     Now, after receiving this inquiry reflected in this

1 fax of October 17, 1991, did you have any discussion with  
2 George Gardner about, about this inquiry or about how, how  
3 Raystay might respond to the inquiry?

4 A Not regarding this transmittal.

5 Q Did you make George Gardner aware that, that Trinity  
6 was asking for a price for the low-power facilities?

7 A That was one of the things that we discussed.  
8 Whether it was in response to this document, I don't recall.

9 Q When you say "we discussed," you mean you and George  
10 Gardner discussed it?

11 A George Gardner and I discussed.

12 Q And, and one of the things you discussed was a price  
13 to -- for Raystay to quote to Trinity to cover the low-power  
14 facilities?

15 A I don't recall ever discussing with George Gardner a  
16 price to quote to Trinity. What I do remember discussing with  
17 George Gardner is the fact that discussions were ongoing  
18 between Trinity and David Gardner, which I was aware that,  
19 that there were -- that these communications were proceeding.

20 Q Well, you were aware, were you not, that there came  
21 a point when, when Trinity communicated to -- I'm sorry, when  
22 Raystay communicated to Trinity a price for TV-40 and the low-  
23 power permits?

24 A Yes, I'm aware.

25 Q And would you turn to TBF Exhibit 230? Now, this is

1 a letter dated October 30, 1991, from David Gardner to George  
2 Sebastian at Trinity. And, Mr. Sandifer, do you see that,  
3 that that letter communicates to Trinity prices and other  
4 information relating to Raystay's low-power facilities and  
5 construction permits?

6 A Yes.

7 Q Now, were you aware that this price and other  
8 information that's reflected in this letter was being  
9 communicated to Trinity at the time that this communication  
10 was made?

11 A I was aware that the items discussed in the second  
12 paragraph had been provided to Trinity, because I was a part  
13 of the discussions with David Gardner in preparing those  
14 numbers. And I recall that David Gardner and I had discussed  
15 that some price around \$300,000 or so, in excess of \$300,000,  
16 would be a considerate asking price for TV-40 because of some  
17 other conversations that George Gardner and I had had with  
18 Robert Shaffner. But I do not recall whether I was -- whether  
19 I reviewed this letter in its entirety before David Gardner  
20 transmitted it.

21 Q Well, let's, let's take a slight detour. You  
22 mentioned Mr. Shaffner and some conversations that you and  
23 George Gardner had with Mr. Shaffner, and we'll get back to  
24 that later. But I want to just pin down something you just  
25 said. Is it correct that about the time of October 1991 you

1 and George Gardner were in discussions with Mr. Shaffner about  
2 the possible sale to Mr. Shaffner of TV-40 and possibly the  
3 low-power construction permits as well?

4 A Yes.

5 Q And is it correct that in those discussions  
6 Mr. Shaffner indicated that he would be or might be willing to  
7 pay something in the neighborhood of \$300,000 for TV-40?

8 A That was a number that was discussed. Numbers in  
9 that range were discussed.

10 Q Okay. And, and George Gardner was part of those  
11 discussions?

12 A Yes.

13 Q All right. And is it correct that you and George  
14 Gardner -- And I'm not saying you necessarily communicated  
15 this to Mr. Shaffner at the time, but is it that -- is it  
16 correct that you and George Gardner felt that \$300,000 or  
17 thereabouts was a reasonable offer price for TV-40?

18 MR. SCHAUBLE: Objection. Relevance, Your Honor.

19 MR. EMMONS: Well, Your Honor, I'm going to tie this  
20 back into this, this communication that's being made to  
21 Trinity on October 30 here.

22 JUDGE CHACHKIN: I'll overrule the objection.

23 MR. SANDIFER: Would you please restate the question  
24 now?

25 BY MR. EMMONS:

1 Q Is it correct that you and George Gardner felt that  
2 a price in the, in the range of \$300,000, as Mr. Shaffner had  
3 suggested, was a reasonable price for TV-40?

4 A What Mr. George Gardner and I had discussed was that  
5 the assets that were involved in the operation of TV-40 had  
6 cost in excess -- On fact, I think the value was around  
7 \$300,000. So TV-40 has had significant operating deficits  
8 since it became operational and the assets themselves, George  
9 Gardner and I had discussed that approximately 300,000 or  
10 more, in excess of 300,000, would be adequate to only recover  
11 the cost of the equipment that was involved in TV-40. And  
12 that's how we had bantered around a price, if you will, that  
13 we discussed with Mr. Shaffner.

14 Q All right. Now, back to the letter of October 30,  
15 1991, TBF Exhibit 230, you see that the -- in the, in the  
16 fourth paragraph of the letter the -- there is the following  
17 statement. "The package price for the six facilities,  
18 including equipment, for the LPTV presently on the air is  
19 \$400,000." Do you see that?

20 A Yes.

21 Q Now, did you authorize David Gardner to quote to  
22 Trinity that price of \$400,000?

23 A I do not recall specifically authorizing David  
24 Gardner to quote this price to Trinity.

25 Q Well, you were David Gardner's supervisor. And my

1 question is was it within David Gardner's authority to quote  
2 prices for the sale of Raystay facilities to third parties  
3 without either your approval or George Gardner's approval of  
4 the price being quoted?

5 A I think where David Gardner is aware of the  
6 company's cost or its approximate estimated value of certain  
7 properties, that, I would think, would be in his job  
8 description to discuss those prices with third parties on a  
9 preliminary basis.

10 Q Well, that's what he's done here. He's, he's made  
11 an offer, has he not, of \$400,000 price for the facilities?

12 A He has indicated that in this letter, yes.

13 Q Now, will you turn to TBF Exhibit 231, please? This  
14 is a handwritten note dated October 30, 1991. And my question  
15 first, Mr. Sandifer, is do you recognize this to be David  
16 Gardner's handwriting?

17 A Yes.

18 Q Okay. Did David Gardner bring to your attention on  
19 or about October 30, 1991, the counteroffer from Trinity that  
20 was in the amount of \$150,000 for TV-40 and \$5,000 for each of  
21 the low-power construction permits?

22 A He brought it to my attention subsequent to this  
23 receipt at some time.

24 Q You can't say exactly when?

25 A He, he brought it to my attention shortly after he

1 received it. I don't know, you know, I can't tell you exactly  
2 when.

3 Q Now, was this counteroffer by TBN reported to George  
4 Gardner, to your knowledge?

5 A As I recall, some time after it was received it was  
6 reported to George Gardner.

7 Q Did you make that report to, to George Gardner?

8 A I believe I did.

9 Q Did you have any discussion with George Gardner  
10 about it?

11 A I -- Yes.

12 Q And what was the substance of that discussion?

13 A I think -- As I recall, the discussion was that it  
14 was an option to pursue. We still had activity discussions on  
15 TV-40 with Mr. Shaffner and his company and we had been  
16 approached by Dennis Grolman on the Red Lion site. So this  
17 was one of our options. That was how I recall pursuing it to  
18 Mr. George Gardner.

19 Q Now, would you turn next to TBF Exhibit 238? This  
20 is a handwritten note dated December 3, 1991, and, Mr.  
21 Sandifer, do you recognize this handwriting as being that of  
22 George Gardner?

23 A Yes.

24 Q And was this a note that you received from George  
25 Gardner on, on or about December 3, 1991?

1           A     I received this note on or about December 3rd, 1991.  
2 I don't know exactly when I received it.

3           Q     And did you understand by this, by this note that  
4 George Gardner was instructing you and David Gardner to  
5 terminate or discontinue further negotiations with Trinity  
6 over the low-power license and construction permit?

7           A     Yes.

8           Q     And did you understand from the last line of the --  
9 the last sentence, I should say, of the note that, that  
10 although discussions with Trinity were to be discontinued, it  
11 was permissible to transfer the license or construction  
12 permits to any other parties with whom you wished to work?

13          A     I understand this to mean that, yes, if we were  
14 approached, and I happened to be working with Dennis Grolman  
15 at the time to transfer the Red Lion construction permit to  
16 him, that we had permission to continue those discussions with  
17 others other than Trinity.

18          Q     Now, did you, did you take this note or a copy of  
19 this note to David Gardner?

20          A     I don't recall.

21          Q     To your knowledge, were negotiations with Trinity  
22 discontinued upon receipt of this note from George Gardner?

23          A     To my knowledge, they were, yes.

24          Q     And how, how do you know that?

25          A     I remember having a discussion with David Gardner

1 regarding this note. And since David Gardner was the one  
2 primary -- contact with Trinity, I, I think the note was, was  
3 quite, quite clear, that he and I were to discontinue  
4 negotiations with Trinity regarding the transfer of the LPTV  
5 construction permits.

6 Q And as far as you know, David Gardner did  
7 discontinue such negotiations?

8 A As far as I know.

9 Q Now, you have testified or mentioned a name several  
10 times, Mr. Grolman, G-R-O-L-M-A-N, and I want to ask you some  
11 questions about, about him and about that. Would you turn to  
12 TBF Exhibit 240, please? Do you have that before you?

13 A Yes, I do.

14 Q This is a letter addressed to Raystay Company,  
15 George F. Gardner, from Dennis Grolman. And let me ask you  
16 this, Mr. Sandifer. Did this letter come to your attention at  
17 some point?

18 A Yes, it did.

19 Q How, how did it come to your attention?

20 A As I recall, it was directed to me by George  
21 Gardner.

22 Q Now, do you recall when that was?

23 A Since I -- Since it's my handwriting at the bottom  
24 of the letter that says on 4/4, which is April 4th, 1991, I  
25 called and left a message for Mr. Grolman, I assume it was

1 some time shortly prior to April 4th, 1991.

2 Q And, and you're fixing the year as 1991. There's no  
3 question about that, is there?

4 A There is no question about that in my mind.

5 Q And as you just testified, you called -- and the  
6 note so reflects, you called and left a message for Mr.  
7 Grolman. Did you subsequently make contact with Mr. Grolman?

8 A I did subsequently make contact with Mr. Grolman.

9 Q And did you meet with Mr. Grolman in April of 1991?

10 A I met with Mr. Grolman some time shortly hereafter,  
11 after we had this, this -- my discussion. I assume it was  
12 April of 1991.

13 Q And what did you discuss with him on that occasion?

14 A Mr. Grolman came to our offices in Carlisle, on  
15 Treble Road, and he came after business hours. And I believe  
16 that David Gardner was present for a short part of the  
17 meeting. He may have been present for most of it, but I  
18 remember speaking with Mr. Grolman, providing him information  
19 such as copies of the construction permits for the CP's. And  
20 our discussion ranged broadly as to joint venture or  
21 individual development options for the construction permits.

22 Q Did, did the discussion include any expression of  
23 interest by Mr. Grolman in purchasing the, the low-power  
24 construction permits?

25 A The discussions did extend to Mr. Grolman's

1 potential purchase of the construction permits and we provided  
2 him information regarding --

3 Q Now, was, was Mr. Grolman also interested in TV-40  
4 or was he just interested in the construction permits?

5 A He was, as I recall, just interested in the  
6 construction permits.

7 Q Now, now, this was about April of 1991, correct?

8 A Yes.

9 Q And at that time, am I correct that Raystay had  
10 already signed the letter -- No, I take that back, Raystay had  
11 not signed -- But Raystay was talking to Mr. Fenstermacher at  
12 this time, was he not -- was it not?

13 A There were -- Yes.

14 Q And ultimately, those talks with Mr. Fenstermacher  
15 resulted in the letter of intent which you signed on May 7,  
16 1991, which we've seen earlier. Do you recall that?

17 A Yes, I do.

18 Q Okay. Now, in your, in your initial conversations  
19 with Mr. Grolman, which apparently occurred in April of 1991,  
20 did, did, did you inform Mr. Grolman that you were talking  
21 with Mr. Fenstermacher?

22 MR. SCHAUBLE: Objection. Relevance, Your Honor.

23 JUDGE CHACHKIN: Sustained.

24 BY MR. EMMONS:

25 Q Well, what did you tell Mr. Grolman about the, about

1 the status of the construction permits and their availability  
2 for sale to Mr. Grolman?

3 A In -- We're talking about which period?

4 Q In the -- Around April or May of the -- In your  
5 initial discussions with Mr. Grolman.

6 A I do not recall when, but I know about the time that  
7 the signing of the letter of intent, in that range, early May  
8 of 1991, I contacted Mr. Grolman and let him know that we were  
9 proceeding along with our negotiations with Mr. Fenstermacher  
10 and Quality Family Companies.

11 Q Did, did you suggest to Mr. Grolman that he contact  
12 Mr. Fenstermacher if he wanted to pursue something?

13 A I don't know whether I suggested that to him or  
14 whether he inquired about that, but that was discussed between  
15 the two of us in that conversation.

16 Q And thereafter, I take it you did not hear from  
17 Mr. Grolman for some period of time?

18 A Yes, I did not hear from Mr. Grolman until after our  
19 arrangement with Quality Family Companies had been terminated.

20 Q And Quality Family Companies was Mr. Fenstermacher's  
21 company?

22 A Yes.

23 Q And after that happened, in other words, after the  
24 arrangement with Mr. Fenstermacher's company terminated, did  
25 Mr. Grolman get back in touch with you?

1 A Yes.

2 Q And was he still interested in the low-power  
3 construction permits at that point?

4 A Yes.

5 Q And did you have discussions then with Mr. Grolman  
6 about the possible sale of those permits to him?

7 A We -- Yes, I had such discussions.

8 Q And in, in those discussions now -- This is now  
9 post-Fenstermacher. In those discussions, did Mr. Grolman  
10 express any interest in TV-40, or was it again just in the  
11 construction permits?

12 A His interest was in the construction permits. And  
13 at this point in time it became focused on the Red Lion  
14 permit.

15 Q He narrowed his interest to the Red Lion permit?

16 A Yes.

17 JUDGE CHACHKIN: Let's take a 10-minute break at  
18 this time.

19 (Whereupon, a brief recess was taken from 10:55 a.m.  
20 until 11:10 a.m.)

21 JUDGE CHACHKIN: All right, back on the record.

22 BY MR. EMMONS:

23 Q Mr. Sandifer, you then ensued -- you then negotiated  
24 with Mr. Grolman during the fall of 1990 for sale of the Red  
25 Lion construction permit?

1 MR. SCHAUBLE: Objection. I think you said the  
2 wrong year. You said 1990.

3 MR. EMMONS: Oh, I'm sorry. I thought I said 1991.  
4 I meant 1991.

5 MR. SANDIFER: Yes, I had conversations with Mr.  
6 Grolman during the fall of 1991.

7 BY MR. EMMONS:

8 Q And did those conversations result in an agreement  
9 whereby Raystay would sell the Red Lion permit to Mr. Grolman?

10 A Yes.

11 Q And did you discuss that sale with George Gardner?

12 A I made George Gardner aware of my activities.

13 Q Well, who made, who made the ultimate decision to  
14 sell that permit to Mr. Grolman?

15 A As I recall, I recommended it to George Gardner and  
16 George Gardner approved it.

17 Q Now, would you turn to TBF Exhibit 241, please?  
18 We're starting at page 7. And that portion of the exhibit  
19 continues through page 11. My question to you is do you  
20 recognize pages 7 through 11 of this exhibit as a contract  
21 between Raystay and Mr. Grolman's company for the sale of the  
22 Red Lion permit?

23 A Yes.

24 Q And on page 10 now, is that your signature that  
25 appears there on behalf of Raystay as vice president?

1 A Yes, it is.

2 Q And would you turn to page 3 of the exhibit? And my  
3 question is is that your signature that appears on, on the FCC  
4 application filed in connection with this sale?

5 A Yes, it is.

6 Q And did the FCC ultimately approve the sale?

7 A Yes.

8 Q And was the sale closed approximately in March of  
9 1992?

10 A It closed in early 1992. I, I can't tell you the  
11 exact date.

12 Q Let me see if I can --

13 JUDGE CHACHKIN: Well, it's not important. We have  
14 it in the record. Let's move on.

15 BY MR. EMMONS:

16 Q Mr. Sandifer, before signing the contract with  
17 Mr. Grolman's company to sell the Red Lion permit, did you  
18 consult with Harold Etsell to get his view about the  
19 advisability of that sale?

20 MR. SCHAUBLE: Objection, Your Honor. Relevance.  
21 We're not talking here about the Lancaster or Lebanon permits.  
22 We're getting into Red Lion. I don't see any connection here  
23 to --

24 JUDGE CHACHKIN: Is there a connection?

25 MR. EMMONS: Well, Your Honor, the, the testimony

1 has established I think that the whole package of low-power  
2 permits together with TV-40 were part of a general network  
3 concept and established that Mr. Etsell had involvement, at  
4 least in the early stages, of developing a, a plan for the  
5 implementation of this concept. And so I think it's  
6 reasonable to ask whether Mr. Etsell was consulted about the  
7 sale of one of the components of the --

8 JUDGE CHACHKIN: All right. I'll overrule the  
9 objection.

10 BY MR. EMMONS:

11 Q Do you have the question, Mr. --

12 A No, would you repeat the question, please?

13 Q Yes. The question is that prior to your signing the  
14 contract to sell the Red Lion permit to Mr. Grolman did you  
15 consult with Harold Etsell to determine whether he thought it  
16 was advisable for Raystay to sell that permit?

17 A I don't recall.

18 Q Was any consideration given, to your knowledge, by  
19 Raystay when it decided to sell the Red Lion permit to whether  
20 or not in so doing Raystay would be diminishing the economic  
21 viability of the regional network concept for low-power  
22 operations that had been considered by Raystay?

23 A I recall discussions that David Gardner and Dennis  
24 Grolman and I had. Now, whether that was collectively or  
25 whether I had discussions with, with each of them, but there

1 was some discussion about since Mr. Grolman's intent was to  
2 relocate the permit to York and since TV-40 -- Mr. Grolman  
3 lived in York and Mr. Grolman stated that he received TV-40  
4 service in York that the general consensus was was that York  
5 or the cable TV operation in York could still be provided  
6 service from Raystay-related companies through its TV-40  
7 operations and that that did not need to be duplicated by the  
8 Red Lion permit.

9 Q Now, turning to the subject again of Mr. Shaffner,  
10 did you begin discussions with Robert Shaffner in March or  
11 April of 1991 regarding some deal or arrangement with  
12 Raystay's low-power stations and construction permit?

13 A No.

14 Q Did you ever undertake or did you ever begin  
15 negotiations or discussions with Mr. Shaffner about Raystay's  
16 low-power operations?

17 A Yes.

18 Q When was that?

19 A I've had a number of discussions with Mr. Shaffner  
20 over a long period of time. I think it was spring of 1991  
21 through the present. But as I recall, the discussions that  
22 had to do with the low-power construction permits and TV-40  
23 operations started in October, or sometime approximately then,  
24 of 1991, and they continued up through, up through portions of  
25 1993.

1           Q     Now, going back to 1991 when, when, when these  
2 discussions with Mr. Shaffner began, was one of the concepts  
3 discussed with Mr. Shaffner that he would buy TV-40 and some  
4 or all of the low-power construction permits from Raystay?

5           A     Well, the primary nature of our discussions was  
6 Raystay's interest in acquiring Flight Systems cable system in  
7 Silver Spring Township that was directly owned by  
8 Mr. Shaffner. Those discussions expanded to a point at which  
9 time we might trade TV-40 as a part of the purchase price with  
10 the acquisition of this cable system. Then there were a whole  
11 number of other subsequent discussions which probably aren't,  
12 you know, relevant here, but had to do with Sammons  
13 Communications buying Flight Systems cable system and  
14 Mr. Shaffner acquiring TV-40 operation to operate that  
15 independently.

16                     And during that course of time, there were some  
17 discussions and information was provided to Mr. Shaffner  
18 regarding the construction permits.

19           Q     Would you turn to TBF Exhibit 239, please? Do you  
20 recognize this as a memorandum from you to Mr. Shaffner dated  
21 October 22, 1991?

22           A     Yes.

23           Q     And was this memorandum written in response to a  
24 request from Mr. Shaffner for information?

25           A     Yes.

1           Q     Now, did you and George Gardner meet with  
2 Mr. Shaffner at around the time of the date of this  
3 memorandum?

4           A     Yes, we met -- George Gardner and I met with Robert  
5 Shaffner in our offices in Carlisle approximately, you know, a  
6 few days -- immediately preceding my preparation of this  
7 memorandum.

8           Q     Okay. So, so this memorandum is a follow-up to that  
9 meeting?

10          A     Yes.

11          Q     And is that the meeting that you were describing  
12 earlier in your testimony in which there was some discussion  
13 of a price range of plus or minus \$300,000?

14          A     Yes.

15          Q     And, and did Mr. Shaffner offer to pay that general  
16 price?

17          A     Whether the term is, is offer, Mr. Shaffner  
18 confirmed that that was a price he would consider, and he was,  
19 you know, wanting additional information.

20          Q     And the additional information is what you were  
21 transmitting to him in this memorandum of October 22?

22          A     Yes.

23          Q     Now, I think you mentioned that at the time of those  
24 negotiations Mr. Shaffner was the owner of a cable system in  
25 the area called Flight Systems. Is that correct?

1           A     Yes, he is the principal owner of a company who had  
2 a Flight Systems Cable Division.

3           Q     Now, at the time that -- of around October 1991 when  
4 you and Mr. George Gardner were having discussions with  
5 Mr. Shaffner about the possible -- his possible purchase of  
6 TV-40 and the construction permits, at that time did  
7 Mr. Shaffner have a pending deal with Sammons Communications  
8 to sell Mr. Shaffner's systems to Sammon, his cable system to  
9 Sammons?

10          A     Yes.

11          Q     And is it correct that Mr. Shaffner's interest in  
12 acquiring TV-40 and possibly the construction permits from  
13 Raystay was contingent upon the sale of his cable system to  
14 Sammon going through?

15          A     Essentially, that's true.

16          Q     And did there come a time thereafter that you  
17 learned that the pending effort by Flight Systems to sell that  
18 cable system to Sammons had fallen through?

19          A     Yes.

20          Q     But when did you learn that?

21          A     Approximately December of 1991.

22          Q     Now, thereafter, did, did Raystay resume at some  
23 point discussions with Mr. Shaffner about the possible  
24 acquisition by Mr. Shaffner of TV-40 and/or the low-power  
25 construction permits?

1           A     Yes.

2           Q     And when did those discussions resume?

3           A     Sometime around January of 1992.

4           Q     And I think you testified earlier that the  
5 discussions with Mr. Shaffner continued through 1992 and into  
6 -- at least sometime into 1993?

7           A     Yes. A variety of our discussions related to the  
8 cable systems and TV-40.

9           Q     Now, at any time in your involvement with, with  
10 Raystay, to your knowledge, was any consideration given to  
11 selling TV-40 but building and operating the five new low-  
12 power permits?

13               MR. SCHAUBLE: Objection. Relevance, Your Honor.

14               JUDGE CHACHKIN: I'll overrule the objection.

15               MR. SANDIFER: Could you restate the question?

16               BY MR. EMMONS:

17           Q     Yes. Was, was any consideration, to your knowledge,  
18 ever given to selling TV-40 but building and operating the  
19 five new low-power permits?

20           A     I don't recall.

21           Q     Now, did you become aware in December 1991 that  
22 David Gardner was in the process of preparing applications to  
23 file with the FCC to extend the Lancaster and Lebanon low-  
24 power construction permits?

25           A     Yes.

1 Q Did David Gardner submit such applications to you  
2 for your review prior to their being signed?

3 A Yes.

4 Q Would you turn to TBF Exhibit 245, please, which is  
5 in Volume III-D of the blue volumes? And to orient you, let  
6 me tell you that this exhibit consists of four applications  
7 filed with the FCC in December 1991. They're separated by  
8 blue divider pages. And my question is going to be do these  
9 look like what David Gardner sent you for your review in  
10 December 1991?

11 MR. SCHAUBLE: Clarification, Your Honor. Does  
12 counsel mean these -- There are certain stamps and --

13 MR. EMMONS: That, that's a fair point. And I  
14 should have also excluded page 1 of each, the, the cover  
15 letter from Collin Burghill (phonetic sp.).

16 BY MR. EMMONS:

17 Q But apart from the cover letter and apart from the  
18 FCC's stamped markings on the applications and perhaps some  
19 other stamped markings, are these -- do you recognize these as  
20 being what David Gardner sent you for review?

21 A Yes.

22 Q Now, would you turn to TBF Exhibit 244, please?  
23 This is a handwritten note dated December 18, 1991. Do you  
24 recognize that being -- as being David Gardner's handwriting?

25 A Yes.

1 Q Did this note accompany the applications that David  
2 Gardner sent you for your review?

3 A I believe it did.

4 Q Now, were you under a standing instruction from  
5 George Gardner to review anything that was prepared by David  
6 Gardner for George Gardner's signature?

7 A Yes.

8 Q And did, did George Gardner explain to you why, why  
9 he gave you that standing instruction?

10 A Yes.

11 Q And what was his explanation?

12 A During -- Throughout the course of my employment, a  
13 number of times George Gardner stated that he has a, a desire  
14 to have documents, particularly contractual documents,  
15 reviewed prior to his signature, and he has instructed me to  
16 perform that task on contractually related documents.

17 Q Well, did the instruction that you were to review  
18 anything that George Gardner prepared for David Gardner's  
19 signature, was that --

20 MR. COHEN: You have it reversed.

21 MR. EMMONS: I'm sorry.

22 BY MR. EMMONS:

23 Q That the instruction to review anything that David  
24 Gardner prepared for George Gardner's signature, was that  
25 instruction limited to just contract or contractual documents?

1 A No.

2 Q It also included FCC applications?

3 A Yes.

4 Q By the way, when, when did George Gardner give you  
5 that standing instruction?

6 A Initially, he probably gave it to me sometime in the  
7 fall of 1990.

8 Q And that was the time when you began supervising  
9 David Gardner?

10 A Yes.

11 Q Now, was it not the case that, that George Gardner  
12 had a particular problem with David Gardner's work? Is that  
13 one of the reasons that George gave you for this instruction?

14 A No.

15 Q Did George Gardner ever tell you that, that he had  
16 had problems with previous FCC filings prepared by David  
17 Gardner?

18 A Well, I think George Gardner has told me he's had  
19 problems with a number of documents prepared by a number of  
20 individuals, but he's specifically critical that FCC-related  
21 documents are clearly prepared prior to his -- for him to sign  
22 them.

23 Q Did -- Well, but my question is did George Gardner  
24 tell you that he had had problems with previous FCC filings by  
25 David Gardner, or filings prepared by David Gardner?

1           A     I don't recall that specific instruction.

2           Q     Would you turn to page 296 of your deposition,  
3 please? Starting at line 1, page 296, "Question: Did George  
4 Gardner feel that that was particularly a problem with David  
5 Gardner as opposed to other people? Answer: Yes."

6           JUDGE CHACHKIN: That doesn't seem to relate to the  
7 FCC, does it?

8           MR. SCHAUBLE: I don't think it does, Your Honor,  
9 specifically.

10          MR. EMMONS: Well, we'll have to go back to earlier  
11 in the deposition then. Page 294, starting line 19.

12 "Question: Were you under a standing instruction from George  
13 Gardner that he wanted you to review, as you put it, on a  
14 reasonable basis anything that was prepared by David Gardner  
15 that George Gardner was to sign? Answer: Yes. Question: In  
16 other words, and that pertained to any document, like a  
17 contract, for example, or an application or any other document  
18 requiring George Gardner's signature?"

19          JUDGE CHACHKIN: Well, that's not inconsistent with  
20 the witness's testimony.

21          MR. EMMONS: I beg your pardon, Your Honor?

22          JUDGE CHACHKIN: That's not inconsistent with the  
23 witness's testimony. You said something about having problems  
24 with David Gardner. Where --

25          MR. EMMONS: Well, this is --